

## REMARKS

By this amendment claims 1-11, 18-41 and 43-44 are cancelled. Claims 14-17 are amended; and claims 45-48 are added. Amendments are discussed below. Support for the amendments can be found in the specification, for example, at page 8, last paragraph and in the original claims. No issue of new matter arises.

### *Election/Restriction*

Withdrawn claims are canceled.

### *Foreign and Domestic Priority/Related Applications*

The specification is amended to add a paragraph acknowledging priority. Reconsideration and withdrawal of this objection are respectfully requested.

### *Sequence Compliance*

A revised sequence listing is attached. The specification is amended to more clearly reference SEQ IDs in the description of the Figures. Reconsideration and withdrawal of this objection are respectfully requested.

### *Claim Objections- dependency*

The claims are amended to properly claim dependence from other active claims. Reconsideration and withdrawal of this objection are respectfully requested.

### *Rejection under 35 U.S.C. §112, second paragraph*

Claims 15 and 16 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite relating to improper antecedent basis. Amendments to claims 15 and 16 above are believed to obviate this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

### *Rejection under 35 U.S.C. §§102 and 103*

Claim 12 was rejected under 35 U.S.C. §102 and/or 35 U.S.C. §103 over Brown. The Examiner applied a “broadest reasonable interpretation” to sustain this rejection. Applicants respectfully traverse this rejection.

Claim 12 recites “hybridizes specifically to the sequence SEQ ID No. 21”. The Examiner applied a broad interpretation minimizing the term “specifically”. Applicants respectfully submit that the cited Brown sequence sports an internal mismatch and thus does not hybridize specifically for a stretch of at least 10 nucleotides. Reconsideration and withdrawal of this rejection are respectfully requested.

Applicants do not comment on the rejection of claim 1. Applicants believe that the reference to claim 1 was a typographic error, but if not, no comment is necessary as claim 1 was withdrawn from prosecution and subsequently cancelled.

***Rejection under 35 U.S.C. §103***

Claims 12-15 were rejected under 35 U.S.C. §103 over Bailleul, Agrawal, Taylor, Bennet and Baracchini. Applicants respectfully traverse this rejection.

The claims at issue are drawn to interfering RNA. Bailleul is alleged to teach a nucleotide sequence with homologies to the sequence recited in the present claims. Bailleul is also alleged to teach methods for expressing antisense molecules.

Bailleul, in teaching antisense actually taught against the present invention. Bailleul indicates that the antisense molecules should be made from 5' sequences, not the complementary 3' sequence of the present invention.

Agrawal teaches stabilization using hairpin DNA. The only example relates to HIV. Thus combined with Bailleul, Agrawal cannot be said to teach or suggest the present invention.

Taylor is applied for its teachings of antisense nucleotides. Antisense and interfering RNAs are not the same. The focus of Taylor is on high throughput screening with antisense, not RNA interference, for example, for therapies. Thus combining Taylor with the above-discussed references fails to teach or suggest the claimed invention.

Bennet and Baracchini again are applied for teachings related to antisense. Antisense and interference are different technologies. Thus including these references still fails to teach or suggest the present invention. In view of these clarifications reconsideration and withdrawal of this rejection is deemed proper.

Claim 42 was rejected under 35 U.S.C. §103 over Baracchini and Bennet; and Agrawal and Tang. Claim 42 is amended above. Support can be found in the specification, for example, at page 8, lines 34-38.

Agrawal is discussed above. Baracchini and Bennett teach a nucleotide less than 70% identical to the present nucleotides. Accordingly no *prima facie* case of obviousness is established. Reconsideration and withdrawal of this rejection are respectfully requested.

***Conclusion***

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. If the Examiner wishes to suggest additional amendment that might put the

application in even better condition for allowance he is invited to contact Applicants' representative at the telephone number listed below.

No fees are believed necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,



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